

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE
BEFORE THE BOARD OF PATENT APPEALS AND INTERFERENCES**

PATENT APPLICATION

Appellant(s): **Chandashekhar et al.**
Case: **Chandashekhar 1-2-1-2-2-2 (LCNT/123980)**
Serial No: **10/053,801** Filed: **01/22/2002**
Examiner: **Doan, Duyen My** Group Art Unit: **2152**
Conf. #: **4733**

Title: **DYNAMIC VIRTUAL PRIVATE NETWORK SYSTEM
AND METHODS**

MAIL STOP – Appeal Brief-Patents
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Dear Sir or Madam:

REPLY BRIEF

Appellants submit this Reply Brief to the Board of Patent Appeals and Interferences in response to the Examiner's Answer, dated December 5, 2007, in the Appeal of the above-identified application.

The Commissioner is authorized to charge any fees due, including extension of time and excess claim fees, to counsel's Deposit Account No. 20-0782/LCNT/123980.

REMARKS

In Section 6 (Grounds of Rejection to be Reviewed Upon Appeal) of the Examiner's Answer, the Examiner notes an error in Appellants' citation of the Forslow reference. Appellants acknowledge the error. Appellants agree that the correct publication number of the Forslow reference is 2002/0069278.

In Section 10 (Response to Arguments) of the Examiner's Answer, the Examiner has withdrawn the rejection of claims 1-17 under 35 U.S.C. § 112, 2nd Paragraph. Appellants acknowledge the Examiner's withdrawal of the rejections.

In Section 10 (Response to Arguments) of the Examiner's Answer, the Examiner asserts that Appellants' limitation "to provide a directional QoS..." is merely an intended result and, thus, should not be accorded patentable weight. (Examiner's Answer, Pg. 15). In response, Appellants submit that the limitation cited by the Examiner does not merely recite an intended result. Rather, the limitation defines how the at least one IP services aggregation switch and the at least one EIAD are adapted by the dynamic VPN manager and, thus, should be accorded patentable weight. Additionally, Appellants note that the Examiner has failed to provide any basis for this assertion.

In Section 10 (Response to Arguments) of the Examiner's Answer, the Examiner also attempts to provide additional reasoning to support his decision of obviousness with respect to the claims on appeal. Appellants maintain that the rejections of claims 1-2, 4-17, 18-20, 25-30, 33-34, 35-36, 21-24, and 31-32 as being unpatentable under 35 U.S.C. §103(a) are improper.

First, the Examiner asserts that Appellants have provided arguments attacking the references individually, and notes that "one cannot show nonobviousness by attacking references individually where the rejections are based on a combination of references." (Examiner's Answer, Pg. 14 – 15).

In response, Appellants respectfully note that, since Chanda, Pirot, and Duffield each fail to teach suggest a VPN manager adapting at least one switch and at least one access device to provide a bidirectional QoS for at least one IP flow, any permissible combination of Chanda, Pirot, and Duffield must also fail to teach or suggest a VPN

manager adapting at least one switch and at least one access device to provide a bidirectional QoS for at least one IP flow.

Rather, at most, a system according to the combination of Chanda, Pirot, and Duffield may be considered to disclose a network system including a plurality of IADs assigned to a plurality of clients and an interface by which a network operator may control operations of a VPN, and in which a traffic shaper is used to apply a class of policy in both directions between a client and a service provider. A system according to the combination of Chanda, Pirot, and Duffield does not teach or suggest adapting specific devices (namely, the at least one IP services aggregation switches and at least one EIAD) within the network in order to provide bidirectional quality of service.

Thus, Chanda, Pirot, and Duffield, alone or in any permissible combination, fail to teach or suggest at least the limitation of "said dynamic VPN manager adapting at least one of said IP services aggregation switches and at least one of said EIAD to provide a bidirectional QoS for at least one IP flow," as claimed in Appellants' claim 1.

Second, the Examiner provides additional arguments with respect to the Chanda reference. (Examiner's Answer, Pg. 15).

In response, Appellants respectfully note that even if Chanda does disclose the class of policy and the traffic shaper being utilized to control the traffic in both directions between the client and the service provider according to the class of policy (as asserted by the Examiner), such general teachings do not teach or suggest the specific limitation of Appellants' claim 1. Namely, such general statements do not teach or suggest a VPN manager adapting specific devices (the at least one IP services aggregation switches and at least one EIAD) within the network in order to provide such quality of service. Specifically, use of a traffic shaper to control traffic to provide bidirectional QoS (as argued by the Examiner), does not teach or suggest adapting at least one switch (at least one IP services aggregation switch) and at least one access device (at least one EIAD) to provide bidirectional QoS, as claimed in Appellants' claim 1. Chanda, as well as Pirot and Duffield, alone or in combination with Chanda, fails to teach or suggest adapting specific devices (namely, the at least one IP services aggregation switches and at least one EIAD) within the network in order to provide bidirectional quality of service.

Thus, Appellants respectfully maintain that Chanda, Pirot, and Duffield, alone or in any permissible combination, fail to teach or suggest at least the limitation of "said dynamic VPN manager adapting at least one of said IP services aggregation switches and at least one of said EIAD to provide a bidirectional QoS for at least one IP flow," as claimed in Appellants' claim 1.

It is respectfully submitted that the Examiner's other arguments are addressed by Appellants' Appeal Brief.

CONCLUSION

Appellants respectfully request that the Board reverse the rejections and pass the claims to allowance.

Respectfully submitted,

2/5/05



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